

Union Calendar No. 287

108TH CONGRESS
2D SESSION

S. 1301

[Report No. 108-504]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2003

Referred to the Committee on the Judiciary

MAY 20, 2004

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as referred on September 30, 2003]

AN ACT

To amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Video Voyeurism Preven-*
5 *tion Act of 2004”.*

1 **SEC. 2. PROHIBITION OF VIDEO VOYEURISM.**

2 (a) *IN GENERAL.*—Title 18, United States Code, is
 3 amended by inserting after chapter 87 the following new
 4 chapter:

5 **“CHAPTER 88—PRIVACY**

“Sec.

“1801. Video voyeurism.

6 **“§ 1801. Video voyeurism**

7 “(a) *Whoever, in the special maritime and territorial*
 8 *jurisdiction of the United States, has the intent to capture*
 9 *an image of a private area of an individual without their*
 10 *consent, and knowingly does so under circumstances in*
 11 *which the individual has a reasonable expectation of pri-*
 12 *vacy, shall be fined under this title or imprisoned not more*
 13 *than one year, or both.*

14 “(b) *In this section—*

15 “(1) *the term ‘capture’, with respect to an image,*
 16 *means to videotape, photograph, film, record by any*
 17 *means, or broadcast;*

18 “(2) *the term ‘broadcast’ means to electronically*
 19 *transmit a visual image with the intent that it be*
 20 *viewed by a person or persons;*

21 “(3) *the term ‘a private area of the individual’*
 22 *means the naked or undergarment clad genitals, pubic*
 23 *area, buttocks, or female breast of that individual;*

1 “(4) the term ‘female breast’ means any portion
2 of the female breast below the top of the areola; and

3 “(5) the term ‘under circumstances in which that
4 individual has a reasonable expectation of privacy’
5 means—

6 “(A) circumstances in which a reasonable
7 person would believe that he or she could disrobe
8 in privacy, without being concerned that an
9 image of a private area of the individual was
10 being captured; or

11 “(B) circumstances in which a reasonable
12 person would believe that a private area of the
13 individual would not be visible to the public, re-
14 gardless of whether that person is in a public or
15 private place.

16 “(c) This section does not prohibit any lawful law en-
17 forcement, correctional, or intelligence activity.”.

18 (b) *AMENDMENT TO PART ANALYSIS.*—The table of
19 chapters at the beginning of part I of title 18, United States
20 Code, is amended by inserting after the item relating to
21 chapter 87 the following new item:

“88. Privacy 1801”.

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